



March 27<sup>th</sup>, 2023

**Re: House File 2890 – Public Safety Omnibus Finance & Policy Bill**

Members of the House Public Safety Finance and Policy Committee:

The Minnesota Gun Owners Caucus, the trusted voice of Minnesota’s gun owners to defend and restore the right to keep and bear arms, opposes the gun control provisions of House File 2890.

Our opposition is grounded in the following challenges with the bill:

**Universal Background Checks**

- House File 2890 imposes additional hurdles for law-abiding citizens who wish to exercise their Second Amendment right to purchase and possess firearms for the purposes of self-defense while not doing anything to stop the flow of firearms in the criminal, illicit gun market that operates in Minnesota.
- This legislation creates a paperwork trail with law enforcement, firearm dealers, or private citizens that amounts to a de facto registry of firearms and their owners, which can then be accessed by law enforcement without obtaining any warrant or subpoena.
- **Firearms used in crime are not being obtained via private sales:** According to a 2019 study by the US Department of Justice’s Bureau of Justice Statistics, only 8% of criminally acquired firearms were obtained through private sales. The majority of those likely met the exemptions in this bill. FBI data in Washington State after their similar bill became law showed that only 2% of firearm transactions in the state were from private party sales.
- This bill gives police broad power to deny a purchase permit which may disenfranchise marginalized populations from exercising their constitutional rights.
- This bill requires gun owners who wish to follow the law to complete a record of every firearm transfer – and then keep that record for 20 years. The record must then be produced on demand to a law enforcement officer – a subpoena or other court order is not even required.
- This bill creates a financial burden on law-abiding gun owners to own a firearm and possess it in one’s home for self-defense.
- A study of almost two decades of firearms mortality data from California recently showed that their enactment of comprehensive universal background checks in 1991 **have had absolutely no impact on homicide or suicide rates in that state.**



### Red Flag Gun Confiscation Provisions

- This bill violates due process. The seizure of property without a warrant, especially property explicitly protected by the Second Amendment, violates civil rights and puts the individual and law enforcement at risk.
- This bill does not address the actual risk – the individual. This bill aims to address an individual who “poses a significant danger of bodily harm to self or other persons” by seizing their firearms. If an individual poses a legitimate danger, removing their firearms is unlikely to resolve it.
- We have the laws already. Minnesota has tools for situations where people feel they are in imminent danger. Those going through mental crises can be placed on a 72-hour emergency hold for medical evaluation and potential commitment to further treatment. In domestic violence cases, Minnesota statute currently directs officers to arrest if they believe that domestic violence has occurred in the preceding 72 hours or if the person poses a threat to the alleged victim.
- The penalty for making false allegations in the red flag gun confiscation order process is only a misdemeanor.

New York State’s red flag gun confiscation order law was recently struck down in December of last year, holding that the law “did not sufficiently protect a citizen’s rights and therefore is unconstitutional.” (*G.W. v C.N. 2022 NY Slip Op 22392*).

As Judge Ho wrote in his concurrence in *US v Rahimi (21-11001, United States Court of Appeals for the Fifth Circuit)*, “when the government detains – and thereby disarms – a member of our community, it must do so consistent with the fundamental protections that our Constitution affords to those accused of a crime.”

Rights protected by the Second Amendment are not second-class rights and cannot be treated differently than other individually held rights. A law that allows firearms to be seized without appropriate due process cannot be constitutional.

On behalf of our members,

A blue ink signature of Bryan Strawser.

Bryan Strawser  
Chair

A black ink signature of Robert T. Doar.

Robert T. Doar  
Senior Vice President, Government Relations